

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JENNIFER PIGGOTT and  
SLADE PIGGOTT,**

**Plaintiffs,**

**v.**

**GRAY CONSTRUCTION, INC.,**

**Defendant and Third Party Plaintiff,**

**v.**

**COOPER'S STEEL FABRICATORS, INC.,  
ALL-SOUTH SUBCONTRACTORS, INC.,  
FREELAND-HARRIS CONSULTING  
ENGINEERS OF KENTUCKY, INC.,  
FREELAND-HARRIS CONSULTING  
ENGINEERS OF GEORGIA, INC.,  
THE HARDY CORPORATION, LATTA  
PLUMBING AND CONSTRUCTION  
COMPANY, INC., HWASHIN AMERICA  
CORPORATION, and FIRESTONE  
BUILDING PRODUCTS COMPANY, LLC,**

**Third Party Defendants.**

**THIRD PARTY SUMMONS  
IN A CIVIL ACTION**

**Case No.: CV-06-1158**

**TO:** The Hardy Corporation  
c/o Craig E. Westendorf  
430 12<sup>th</sup> Street South  
Birmingham, AL 35233

**YOU ARE HEREBY SUMMONED** and required to serve on

Julia A. Beasley  
Beasley, Allen, Crow, Methvin,  
Portis & Miles, P.C.  
P. O. Box 4160  
Montgomery, AL 36103-4160  
**Attorney for Plaintiffs**

E. Britton Monroe  
Lloyd, Gray & Whitehead, P.C.  
2501 20<sup>th</sup> Place South  
Suite 300  
Birmingham, AL 35223  
**Defendant and Third-Party Plaintiff's Attorney**

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default

may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of the plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Date: \_\_\_\_\_

6/11/07

Debra P. Hackett, Clerk

BY: \_\_\_\_\_  
Deputy Clerk

Don Austin

**RETURN ON SERVICE OF WRIT**

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I served this summons together with the complaint as follows:

☐ By personal service on the third-party defendant at:

\_\_\_\_\_  
\_\_\_\_\_

☐ By serving a person of suitable age and discretion then residing in the Defendant's usual place of abode. (Give name and address of person served.)

\_\_\_\_\_  
\_\_\_\_\_

☐ By serving an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process of the Defendant corporation, partnership or unincorporated association. (Give name, capacity and address of person served.)

\_\_\_\_\_  
\_\_\_\_\_

☐ Returned unexecuted

☐ Other

I certify under penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized/Specially Appointed  
Process Server

I hereby certify and return this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ that I am unable to locate the individual, company, corporation, etc. named in the Summons.

I certify under penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized/Specially Appointed  
Process Server